

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

CORY O'CONNOR,
711 South Pacific St.
Cape Girardeau, MO 63703

Plaintiff,

VS.

ACADEMY COLLECTION SERVICE, INC.,)
10965 Decatur Road)
Philadelphia, PA 19154)

Defendant.

Case No.
Division No.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

CORY O’CONNOR (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against ACADEMY COLLECTION SERVICE, INC. (Defendant):

INTRODUCTION

- ## 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices

Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Cape Girardeau, Cape Girardeau County, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. According to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with an office in Philadelphia, Pennsylvania.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. During February of 2011, Defendant started placing collection calls to Plaintiff at his home telephone number, numerous times per week, seeking payment for an alleged debt.
11. Plaintiff did not know Defendant’s name, as Defendant did not state its company name when leaving a voicemail message for Plaintiff.
12. Plaintiff had to look up Defendant’s phone number on the internet to determine Defendant’s name.
13. On February 17, 2011, Plaintiff called back the telephone number from which Defendant called and was at first not told it was Defendant.
14. Defendant’s representative answered the telephone call and only stated “hello.”

15. Defendant's representative did not reveal the name of its company until Plaintiff stated
"If this is a telemarketer then please add me to the do not call list otherwise, please tell me who it is."
16. Defendant's representative told Plaintiff that it was looking for Plaintiff or Plaintiff's wife, Amber Gibbs, in regards to an alleged debt but would not give information regarding the alleged debt.
17. Defendant's representative rambled off Plaintiff's last four digits of his social security number; however, the social security number given was neither Plaintiff's nor Plaintiff's wife's social security number.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff;
 - b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff; and
 - c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.

WHEREFORE, Plaintiff, CORY O'CONNOR, respectfully requests judgment be entered against Defendant, ACADEMY COLLECTION SERVICE, INC., for the following:

19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
15 U.S.C. 1692k; and
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: October 23, 2011

By: /s/ Adam C. Maxwell

Adam C. Maxwell
ED Bar No: 62103MO
Attorney for Plaintiff
Krohn & Moss, Ltd.
10 N. Dearborn St.
3rd Floor
Chicago, IL 60602
Phone: (312) 578-9428
E-mail: amaxwell@consumerlawcenter.com

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, CORY O'CONNOR, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF MISSOURI)

Plaintiff, CORY O'CONNOR, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, CORY O'CONNOR hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-7-11
Date

CORY O'CONNOR
CORY O'CONNOR

VERIFIED COMPLAINT